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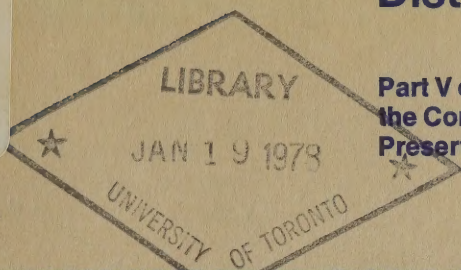
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# Guidelines on the Designation of Heritage Conservation Districts

Part V of The Act to provide for  
the Conservation, Protection and  
Preservation of Ontario's Heritage











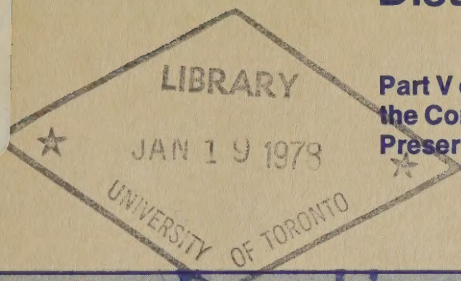
Ministry of  
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# **Guidelines on the Designation of Heritage Conservation Districts**

**Part V of The Act to provide for  
the Conservation, Protection and  
Preservation of Ontario's Heritage**

1st edition of new guidelines  
July 1977

Prepared by the  
Ministry of Culture and Recreation  
Hon. Robert Welch, Q.C., Minister  
R.D. Johnston, Deputy Minister  
in association with  
Ministry of Housing  
Hon. J.R. Rhodes, Minister  
W. Wronski,  
Assistant Deputy Minister Community Planning

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## I INTRODUCTION

The Ontario Heritage Act, 1974, enables a municipality to protect buildings and areas of architectural and historical value. The following are guidelines for Part V of The Ontario Heritage Act, 1974 — that Part allowing for the designation of Heritage Conservation Districts.

Following a change in procedure relating to the designation of Heritage Conservation Districts — particularly with respect to the sequence of preparation of Official Plan Statements and the Heritage Conservation District Plan — the original guidelines have been revised and enlarged. These new guidelines therefore supercede all previous printed guidelines. **They are not intended to be a substitute for the legislation but are to be used in conjunction with The Ontario Heritage Act, 1974.**

## II WHAT IS A HERITAGE CONSERVATION DISTRICT?

### 1 District Character

It is clear that in many municipalities there are individual buildings of architectural and historical value. However, in addition to structures that are of demonstrated significance, there may be others that individually may not be worthy of being considered for protection but, taken as a group, provide a good example of the historical or architectural heritage of the community in which they are situated. Such buildings will usually be located in the older parts of the municipality, where they may provide an outstanding example of period architecture or they may be built in a style that reflects architectural features unique to the community or region.

The criteria for selection of such districts cannot be precisely defined. Neither is it possible, nor indeed desirable, to state what the geographical extent of such districts should be. However, a Heritage Conservation District should contain some or all of the following characteristics:

- The majority of the buildings should reflect an aspect of the history of the community by nature of location and historical significance of setting;
- The majority of the buildings should be of a style of architecture or a method of construction significant historically or architecturally to the community, region or province;



- The district should contain other important physical, environmental, or aesthetic characteristics that in themselves do not constitute sufficient grounds for the designation of a district, but which lend support in evaluating the criteria for designation;
- The district should be an area of special association that is distinctive within the community and, as a result, contributes to the character of the entire community.

Since the Heritage Conservation District can include any area of a municipality that satisfies one or all of these criteria it is possible that the function of the area — or the land use — may vary greatly from one designated district to another. The district might be an industrial complex, for example, or a block of retail stores, a warehousing or market area, a residential neighbourhood, or a rural hamlet.

## 2 The District Size

In extent, a Heritage Conservation District may embrace any or all of the following:

- **The area surrounding a small group of buildings and its setting.** An example of this would be the establishment of a small district around one or more buildings of importance that would probably be individually designated. The district designation would be a means of safeguarding and enhancing the settings of those landmark buildings.
- **A larger area ranging in size from a city block to part or all of a neighbourhood.** Such an area may include a town's main street, an inner city residential area, a university precinct or an industrial district.
- **Whole communities of outstanding historical and architectural significance.** Many small rural hamlets could fall within this category.
- **Scattered groups of buildings and their settings.** Such areas might include buildings along a historical transportation route or a grouping of settlements in a rural area.

## 3 The District Future

Given the above criteria for selecting an area and defining its size, it is important to understand the reasons for the area's designation and what its future might be. It is likely a particular approach will be defined. The approach could range from one of **protection and conservation** to **preservation and restoration**.

In **protection and conservation** the intent might be to maintain the scale and association of the area while protecting it from incursions that would alter it radically. One such example could be a highrise proposed in the middle of a residential neighbourhood of one- or two- storey dwelling units. By Heritage Conservation District designation, existing buildings would be protected while new construction would be permitted provided it met specified design criteria. Thus, over time, the area would enjoy a revitalization without detriment to its existing architectural and historical fabric.



In **preservation and restoration** the plan may be to enhance the area by restoring numbers of buildings to a certain period and only permitting new construction where it conforms to a very strict set of design standards. By defining this approach a designated Heritage Conservation District could be restored, over a period of years, to its appearance at an earlier date.

There are, of course, many variations and possible combinations to each of these approaches. All are valid under the terms of The Ontario Heritage Act, 1974. By the designation of a Heritage Conservation District, emphasis is placed on the distinctive architectural value and historical association of the district and this is recognized in future decisions.

The determination of the area's future is the responsibility of the municipality. It is for this reason that the area should be studied and a Heritage Conservation District Plan be prepared. This plan reflects not only the future contemplated for the district but provides the basis for special controls to be put in place when the district is designated.

### **III DESIGNATING A HERITAGE CONSERVATION DISTRICT**

#### **1 Local Architectural Conservation Advisory Committee (LACAC)**

A municipal council may pass a by-law under Section 28 of the Ontario Heritage Act, 1974 to establish a Local Architectural Conservation Advisory Committee of not fewer than five members to advise council on its work in the area of heritage conservation. As this subject is of a highly complex nature meriting continuous technical advice, it is strongly recommended that such a committee be established as soon as council decides to develop conservation policies. It is also recommended that members of the committee be chosen from local civic, historical, and architectural organizations or other related bodies where they exist, so that the members possess differing skills and interests complementary to general conservation aims. They will advise and assist council in all matters relating to architectural conservation and will act usually on a voluntary basis. Where a Local Architectural Conservation Advisory Committee has been established, the municipality must consult with the local committee (The Ontario Heritage Act, 1974 Section 40 (2)), before proceeding with the designation of a Heritage Conservation District.

While it is not stated in the Act, council would be well advised before it takes any other action to ask its Local Architectural Conservation Advisory Committee to prepare a detailed resumé of those areas within the municipality that it feels should be designated as Heritage Conservation Districts under Part V of The Ontario Heritage Act, 1974. A resumé of those



buildings of architectural and historical significance that are worthy of designation individually under Part IV of The Ontario Heritage Act, 1974 would also be useful. The resumés should contain not only the location of the districts and individual buildings but also sufficient reason for such designation. This would include an architectural description of the buildings, the historical role of the area or buildings in the development of the community, and additional relevant information.

Although it is not possible to have individually designated properties within a Heritage Conservation District, properties designated under Part IV of the Act may be surrounded by or adjacent to a Heritage Conservation District, in effect creating an area designated in its entirety either under Part IV or Part V. The Local Architectural Conservation Advisory Committee should therefore be careful to distinguish those properties deemed to be worthy of individual designation and those that should be included in an area designation. At the same time that area designation is recommended, the Local Architectural Conservation Advisory Committee should indicate to council those properties within the boundaries of the proposed Heritage Conservation District that should be designated individually. A property designated under Part IV can have interior features protected, while Part V designation only applies to property exterior. Designation under Part IV is registered on the title of the property, while designation under Part V is not.

## **2 Other Local Participation**

It is important to involve all interested citizens in the process of designating a Heritage Conservation District. Interviews, surveys and public meetings are effective means of achieving this involvement. At the same time, community awareness might be heightened through exhibitions on architectural heritage, the use of the media and public notices through newspapers.

In addition to the Local Architectural Conservation Advisory Committee a number of groups may become active in the district designation process. In all cases the municipal council has final authority over district designations.

The Planning Board will be involved at certain stages of this process, specifically in the preparation of the Official Plan statement. Under the provisions of The Planning Act, the Planning Board will be required to call public meetings and elicit public participation at this stage.

Two additional groups might be established to perform special tasks to assist in the designation of the district. A Heritage Conservation District Steering Committee — an ad hoc group of community residents, business people, and property owners — could act as a community liaison and assist in the recommendation of local needs. A Heritage Conservation District Study Team, could be commissioned to prepare the actual Heritage Conservation District Plan.



3 Procedure

The procedure that must be followed in order to designate a Heritage Conservation District is outlined below. The process can be divided into four steps which are grouped into two stages. They are as follows:

Step 1 Policy Intent

- the preparation and adoption of a statement in the Official Plan relating generally to Heritage Conservation.

Step 2 By-Law Intent

- the passing of a by-law of intent to study a particular area or number of areas.

STAGE I: Intent

- Official plan policies and by-law of intent.

Step 3 Policy Implementation

- the preparation and adoption by Council of The Heritage Conservation District Plan spelling out specific policies for the district.

Step 4 By-Law Implementation

- the passing of a by-law designating The Heritage Conservation District.

STAGE II: Implementation

- Heritage Conservation District plan and designating by-law.

Step I: Policy Intent — Official Plan Statement

Where a municipality that wishes to designate a Heritage Conservation District under the terms of The Ontario Heritage Act, 1974 has an Official Plan in effect, amendments to the Official Plan will have to be made. Where a municipality has no Official Plan, but may wish at some future date to become involved with an area conservation programme, it may wish to include provisions in its proposed Official Plan with respect to Heritage Conservation Districts.

**The Official Plan or Official Plan Amendment is submitted for the review and approval of the Minister of Housing** in consultation with the Ministry of Culture and Recreation.

A detailed outline of the recommended Official Plan statement on heritage conservation is contained in Appendix A.

Step 2: By-Law Intent

Once a municipality has amended its Official Plan with respect to Heritage Conservation Districts, it may by by-law investigate one or more areas as potential Heritage Conservation Districts. The process is initiated by the municipality passing a by-law under The Ontario Heritage Act, 1974 Sec-



tion 40 (1). Where a Local Architectural Conservation Advisory Committee is in existence, it must be consulted before this by-law is passed.

The sole purpose of the by-law is for the municipality to define an area for study. There is, therefore, no review of the by-law at the provincial level.

An outline of the content of the by-law of intent is given in Appendix B.

### **Step 3: Policy Implementation — Heritage Conservation District Plan**

Once a municipality has amended its Official Plan and has received the necessary approval from the Minister of Housing, and the municipality has identified an area or areas by by-law under The Ontario Heritage Act, 1974 Section 40 (1), it may then set about to prepare and adopt a Heritage Conservation District Plan. This plan consists of two parts: the area study, which is the basis for the plan, and the plan itself.

The municipality may wish to prepare the Heritage Conservation District Plan through a study team drawn from its own planning department or by using consultants hired for the express purpose of preparing a Heritage Conservation District Plan or a combination of both.

Where there is a Local Architectural Conservation Advisory Committee in place in the municipality, the Heritage Conservation District Plan should be prepared in close consultation with this local committee.

**The Heritage Conservation District Plan is to be submitted to the Ministry of Culture and Recreation for endorsement.** No review or approval by the Minister of Housing is necessary for such a plan.

A recommended outline of the study and the plan is contained in Appendix C.

### **Step 4: By-Law Implementation**

Subject to the satisfactory completion of a Heritage Conservation District Plan and its endorsement by the Ministry of Culture and Recreation the municipality may pass a by-law under Section 41 of The Ontario Heritage Act, 1974 designating an area as a Heritage Conservation District.

**The by-law does not come into force without prior approval of the Ontario Municipal Board** and is therefore subject to standard procedures for by-law review by the Ontario Municipal Board.

A recommended outline of the designating by-law is contained in Appendix D in addition to a discussion of the relationship between the designating by-law and the by-laws passed under Section 35 of The Planning Act.



## **IV IMPLEMENTATION OF HERITAGE CONSERVATION DISTRICTS**

The Heritage Conservation District Plan should encourage heritage conservation through controls and incentives. It should provide criteria for controlling demolition and regulating design, and it should offer incentives for the development of the area according to the plan. The designating by-law provides a means of achieving the objectives set out in the plan.

### **1 Building Control**

Under the terms of The Ontario Heritage Act, 1974 the municipality has the authority in its designating by-law to regulate architectural design within a Heritage Conservation District.

#### **(a) Altering a Building.**

Where a property owner wishes to alter a building within a designated Heritage Conservation District, this owner is required, under the terms of the Heritage Conservation District by-law, to submit an application to the municipal council. The council, in return, is required to issue a decision within 90 days of the receipt of the application. Failure to do so within this time period permits the applicant to appeal to the Ontario Municipal Board. However, council and the applicant may agree to extend the time period.

If a municipal council has appointed a Local Architectural Conservation Advisory Committee, council is required by the legislation to consult with the committee prior to making a decision.

The decision made by council may permit the proposed works, or refuse them, or permit the works subject to such conditions as council considers desirable. In the case of a council's refusal to permit the proposed works, or where the applicant is not satisfied with the conditions imposed, the applicant may, within 30 days of receipt of the decision, appeal to the Ontario Municipal Board.

#### **(b) Demolishing a Building**

In the case of an application to demolish a building within a Heritage Conservation District, the municipality shall, within 90 days of the receipt of the application (with provision for extension of time), decide to permit the demolition, or to refuse it. The municipality can prohibit the demolition for a period up to 180 days from the date of its decision not to issue the demolition permit. During this period, the municipality may endeavour to take steps to preserve the building through expropriation or other means. If no solution is found following the 180 day period, the applicant may proceed to demolish or remove the building subject to the provisions of any other Act or its regulations.



### (c) New Construction

New construction within a Heritage Conservation District must be approved by the municipal council. It is for this reason that the Heritage Conservation District Plan should have provisions for building design. For example, if **preservation and restoration** have been called for in the plan, then only construction in strict conformity with this plan will normally be permitted. If the area plan calls for **protection and conservation**, buildings of contemporary design would be permitted but their design should still be in accord with the provisions for new construction in the plan. In either case, it is the intent of the Heritage Conservation District designation to regulate the design of buildings constructed within a designated Heritage Conservation District.

### (d) Easements

The Ontario Heritage Act, 1974 also enables a municipality or the Ontario Heritage Foundation to acquire easements on real property. The easement is an agreement whereby a property owner conveys specified development rights to the holder of the easement. The property owner is required to obtain the permission of the holder of the easement before altering the exterior, and in some cases the interior, of a building or developing a parcel of land. The terms and conditions of the easement will be specified in the agreement itself.

Easements would be particularly useful in protecting key buildings in a Heritage Conservation District. The easement allows for a greater degree of control than either the Heritage Conservation District by-laws or by-laws designating individual property under Part IV of The Ontario Heritage Act, 1974. While by-laws may be subject to review from time to time, controls provided by easements can continue in perpetuity. With the acquisition of an easement, it is possible to exercise control over heritage components of property at a fraction of the cost of outright acquisition.

## 2 Financial Incentives

Financial mechanisms provide effective means for protecting properties within a designated district and ensuring the proper implementation of the plan. Although these mechanisms are not required under the legislation, it is advisable that means be devised to encourage the area's development according to the plan.

### (a) Grants or Loans

Under Sections 39 and 45 of The Ontario Heritage Act, 1974 the municipal council can pass by-laws that provide for the making of a loan or grant to property owners in a designated Heritage Conservation District. These grants or loans would help eligible property owners finance improvements under conditions set by council. The amount of any such loan may be collected through municipal taxes over a fixed period of up to five years. Until the amount is paid it shall be a lien or charge upon the property on



which the loan was made. An easement, as a condition of the grant or loan, could serve to protect the heritage features of a property in perpetuity.

#### **(b) Revolving Fund**

Although properties within a Heritage Conservation District are protected by by-laws and have certain restrictions imposed on them, ownership remains in private hands. In some cases it may make sense for a non profit heritage group or municipal agency to purchase property outright, restore or renovate it according to the recommendations of the Heritage Conservation District Plan and sell it with covenants or easements held by the appropriate body. In this way the heritage components of the property are protected.

A revolving fund can be set up for such a purpose. A non-profit group established to operate the revolving fund would begin with a fixed amount of capital. By careful management, property could be purchased, rehabilitated and resold. The fund should grow as property values appreciate with the upgrading of the area. Some properties could be rehabilitated and rented, others resold with easements. A revolving fund could be used to acquire key buildings within the area and strengthen the intent of the Heritage Conservation District Plan. This fund may be particularly useful where buildings are threatened by demolition.

Other legislative and financial means available to a municipality to complement a Heritage Conservation District programme are discussed in Appendix E.

## **V FINANCIAL ASSISTANCE**

The Ontario Heritage Foundation stands ready to offer financial assistance in the preparation and implementation of a Heritage Conservation District Plan. Inquiries should be addressed to the Chairman, Ontario Heritage Foundation, 7th Floor, 77 Bloor Street West, Toronto, Ontario M7A 2R9, (Tel. 416/965-3706).

## **VI PROVINCIAL ADVISORY SERVICE**

Further advice and assistance on all aspects of The Ontario Heritage Act, 1974 can be obtained from the Heritage Conservation Division, Ministry of Culture and Recreation, 7th Floor, 77 Bloor Street West, Toronto or at Ministry Field Offices located in major centres across the province. Information on The Planning Act and planning programmes offered by the province can be obtained from the Ministry of Housing, Community Planning Advisory Branch Field Offices, similarly situated across Ontario.



## **APPENDIX A:**

### **Suggested Content of the Official Plan Statement Relating to Heritage Conservation**

A municipality may wish to examine its Official Plan to note present deficiencies and develop where necessary Official Plan statements that would clearly state the intent of the municipality with regard to heritage conservation.

Where a municipality wishes to pursue the designation of a Heritage Conservation District, the Official Plan should include a general statement, based on the heritage of the community, on the municipality's objectives and policies with regard to heritage conservation, and should address the following areas:

- the objectives of the municipality in implementing Part V of The Ontario Heritage Act, 1974
- policies with respect to heritage conservation for the municipality to meet these objectives.
- criteria, such as those listed in the second part of these guidelines entitled **What is a Heritage Conservation District?**, for the identification and evaluation of areas for potential designation as Heritage Conservation Districts.
- the steps to be taken by the municipality for implementing these policies with respect to heritage conservation. These steps would include:
  - By-laws passed under The Ontario Heritage Act, 1974, Section 40, of notice of intent to study a particular area or number of areas.
  - Guidelines for the preparation of a Heritage Conservation District Plan for an individual area. The guidelines would include: status, content, scope and preparation of Heritage Conservation District Plan; public review of Heritage Conservation District Plan within the municipality.
  - By-law designating the Heritage Conservation District passed under The Ontario Heritage Act, 1974, Section 41, and The Planning Act, Section 35.

**The Official Plan should contain a statement of the intent of the municipality to seek the review and endorsement of the Ministry of Culture and Recreation for its Heritage Conservation District Plan.**

The Official Plan may contain more detailed policy if it is deemed desirable. These additional statements might deal with relevant subject matter such as finance and public participation or concerns that are of special importance to the municipality. Statements on design policy might also be included especially where design restrictions are to be enforced by means of the restricted area by-law. The Official Plan may, for the sake of completeness, make reference to The Ontario Heritage Act, 1974 Part IV on in-



dividual designation and The Ontario Heritage Act, 1974 Sections 37 and 45 on easements.

The Official Plan may contain an appendix summarizing relevant investigations, such as lists of property identified to be of architectural and/or historical significance, maps locating such properties or other relevant materials.

## **APPENDIX B: By-Law of Intent**

The following are suggested for inclusion in the by-law under The Ontario Heritage Act, 1974, Section 40 (1):

- The by-law shall clearly identify the area to be studied and shall contain a brief description of the properties included in the area.
- The by-law may state those aspects of the area to be investigated.
- The by-law may state the manner in which the area is to be studied, giving reference to Heritage Conservation District Plan provisions in the Official Plan.

## **APPENDIX C: Heritage Conservation District Study and Plan**

### **1 Initiating a Heritage Conservation District Plan**

The formulation of a Heritage Conservation District Plan requires an analysis of the area and the subsequent development of policies and implementation strategies. The following groups should become involved at various stages of the preparation of the plan:

- **Local Architectural Conservation Advisory Committee** — to recommend to the municipal council an area for designation and approve the Heritage Conservation District Plan before it goes to the municipal council and the Ministry of Culture and Recreation; to determine those properties within the area which should be recommended for designation under Part IV of The Ontario Heritage Act, 1974;
- **Planning Board** — where appropriate, to review and make recommendations on the Heritage Conservation District Plan;
- **Municipal Council** — to adopt the plan and pass the by-law designating the Heritage Conservation District as specified by the plan.

In addition the following groups might assist in the preparation of the Heritage Conservation District Plan.

- **Heritage Conservation District Steering Committee** — to co-ordinate the involvement of local residents, businessmen and property owners



- **Heritage Conservation District Study Team** — to develop a methodology for study and to carry out the analysis of the area and to prepare the plan.

The Ministry of Culture and Recreation is also prepared to advise on the preparation of the Heritage Conservation District Plan.

## **2 Preparation of the Plan**

A Heritage Conservation District is more than a grouping of heritage buildings. Elements of the District combine in such a way that the area becomes an identifiable entity of special value. In essence, the collective significance of the district is greater than the sum of its individual parts and this fact should be recognized in the Heritage Conservation District Plan.

### **(a) The Heritage Conservation District Study: Examination of the Area.**

The analysis of the area will contribute to understanding how the various elements of the district contribute to its significance. Although each area will have its own special requirements, it is recommended the study include the following where relevant:

#### **(i) District Analysis**

- discuss the components of:

**Land Use** — determine existing land use patterns; identify conforming and non-conforming uses within existing Official Plan and zoning provisions; note vacant building sites; etc.

**Movement** — evaluate total movement system — vehicular and pedestrian — egress and ingress points, parking, garaging, service areas, public transport, historic routes, etc.

**Building & Site** — note individually designated buildings; identify the architectural significance of property within the area, noting style, material, construction, form, important features; note architectural features of importance to the character of the area such as height, scale of buildings, etc.

**Condition** — determine age and structural condition of buildings; evaluate topographical features; etc.

**Ownership** — determine ownership of all property; determine occupancy status (owner-occupied vs tenancy); indicate property values (market value, rents); etc.

**Visual Environment** — analyse all topographical features with particular reference to significant building groups, their spatial relationship, advantageous viewpoints, etc; identify associated and beneficial topographical features (eg. vegetation, open space, surface, textures, walls, fences, street furniture); identify all factors which intrude upon and are of detriment to the district (eg. unorganized car parking, signs); etc.

**Socio-Economic** — survey residents to determine population structure; determine economic base of district, conduct analysis of business in district; determine housing needs and conditions; etc.

**(ii) Commitments**

- identify approved or pending plans or policies that would affect the area (eg. Official Plan, zoning, etc.); note other government or local programmes in area (eg. Neighbourhood Improvement Programme, Business Improvement Area, etc.); note development activity (eg. buildings under construction, building permits and demolition permits issued, etc.).

**(iii) Recent Trends**

- note recent activities in the area that suggest either decline or revitalization (eg. demolitions, tree removal, private rehabilitation of property, municipal improvements, etc.).

**(b) The Heritage Conservation District Plan: Presentation of Policy and Strategy**

It is anticipated that the Heritage Conservation District Plan will define the special character or sense of place that can be attributed to the Heritage Conservation District. It shall also include a set of recommendations to enhance this character. These recommendations should state general policy directions for the district. In addition, specific programmes, design guidelines, or incentives should be developed. The following list is offered as an outline. The Heritage Conservation District Plan may be more or less specific depending on the requirements of the area.

**(i) Recommendations Relating to Physical Aspects of the District**

**Land Use** — outline existing land use compatible to heritage conservation; recommended location and type of future land use; recommended use for vacant and underused land; recommend treatment of incompatible uses; protect and provide for open space to complement heritage conservation;

**Movement** — suggest improvements to movement patterns relating to transit, pedestrian and vehicular traffic, parking, etc.

**Building Design** — formulate design guidelines; indicate the proposed scale and architectural character of the district; outline design principles for existing buildings with reference to noteworthy architectural styles and details; outline design principles for new construction and present proposals, where appropriate, to enhance the architectural character of the district through contemporary design; indicate the importance of buildings in terms of their contribution to the streetscape and district character as a preface to recommendations for the rehabilitation, restoration or removal of existing structures.

**Visual Environment** — suggest treatment of distinctive elements of the district that contribute positively to its environment (eg, topography, a unique development pattern, spatial relationship of buildings, etc.); recommend improvement of physical amenities in public places; correct detrimental visual intrusions.



Visual Environment — suggest treatment of distinctive elements of the district that contribute positively to its environment (eg. topography, a unique development pattern, spatial relationship of buildings, etc.); recommended improvement of physical amenities in public places; correct detrimental visual intrusions.

(ii) Recommendations Relating to Social and Economic Aspects of the District

- recommend means of strengthening economic and social viability of the district by provision of community services such as social and recreational facilities and provision of housing, commercial and industrial, institutional and industrial facilities.

(iii) Recommendations Relating to Implementation of the Heritage Conservation District Plan

- outline of the staging involved in implementing the plan's recommendations
- state methods for implementing proposals contained in Sections (i) and (ii) above
- define the role of various parties in implementing the plan

The plan — examination of the area and the presentation of policy and strategy — should be presented in a clear and concise written manner supported by relevant statistics and information and illustrated by maps, photographs and other visual materials.

The Heritage Conservation District Plan should be checked against the Official Plan to verify that it is not in conflict with provisions in the Official Plan. Where conflicts may exist, the Official Plan should be amended before area designation by-laws are prepared.

### **3 Status of Plan**

The Heritage Conservation District Plan is envisaged to be similar in some respects to a Secondary Plan. It is a plan prepared and administered at the municipal level to give direction locally for the future development of the specific Heritage Conservation District.

## **APPENDIX D: Designating By-Law**

### **1 Content of Designating By-Law**

The by-law designating the Heritage Conservation District, passed under Section 41 of The Ontario Heritage Act, 1974 should contain the following:

- the by-law shall clearly identify the extent of the designated Heritage Conservation District and those properties contained within the district;
- the by-law shall set out the procedures for alterations and demolition to existing buildings as well as the erection of new buildings based on the criteria established in the plan;
- the by-law shall identify the time limit for decisions by the municipality with regard to the alteration and demolition of buildings;
- the by-law shall outline the process of appeal to the Ontario Municipal Board;
- the by-law should deal with any aspects of the plan that need be implemented by by-law.

### **2 Relationship to Zoning By-Law**

If it is felt necessary to amend an existing zoning by-law to bring it into conformity with provisions contained in a Heritage Conservation Plan, such an amendment should be processed at the same time as the by-law under Section 41 of The Ontario Heritage Act. For expediency in administration procedures, it is suggested both by-laws be submitted simultaneously to the Ontario Municipal Board.

## **APPENDIX E: Other Means Available to Complement Heritage Conservation District Programme**

### **1 Municipal Action**

Existing legislation makes a number of protective measures available to the municipality. Some of these measures can be useful in helping to preserve and enhance the community's heritage resources.

#### **(a) Restricted Area and Building By-laws**

The restricted area by-law enables a municipality to exercise control over a number of architectural design elements. By virtue of Section 35(1) of The Planning Act, municipalities are given the power to control matters such as the use of land, and the height, bulk, density and setback of buildings.

It would be wise to review the regulations within the restricted area by-law so that they are complementary to the heritage conservation programme. Where a Heritage Conservation District is designated, the restricted area



by-law should conform with the provisions of the Heritage Conservation District Plan.

#### **(b) Development Control**

Under Section 35(a) of The Planning Act the municipality may require certain conditions for the development or redevelopment of land. This Section of The Planning Act extends the powers of the municipal government so that it has authority over site features.

#### **(c) Maintenance By-law**

Under Section 36 of The Planning Act, a municipality can develop standards for the maintenance of property. The enforcement of a Standard of Maintenance and Occupancy By-law can ensure that a minimum level of building condition is maintained. The by-law can either apply to entire municipalities or to specially selected areas. A policy statement in the Official Plan that deals with property conditions must be adopted by the council of the municipality before a Standards of Maintenance and Occupancy By-law can come into effect.

#### **(d) Demolition Control Area**

Under Section 37(a) of the Planning Act, municipalities can, by by-law, declare a portion of the municipality as a Demolition Control Area. Demolition of residential structures on any site within a designated area is prohibited except where new construction on that site is to be substantially completed within two years. The existence of a Standards of Occupancy and Maintenance By-law is a pre-requisite to the designation of any Demolition Control Area.

#### **(e) Signs By-law**

Under Section 354(1) (126) of The Municipal Act, the municipality is given the authority to regulate signs. Where a Signs By-law is in effect the approval of the municipal council is required before any sign is erected or altered. This legislation provides an effective means of controlling the visual impact of advertising and signage within a municipality.

### **2 Government Programmes**

The following programmes are administered, for the most part, by the Ministry of Housing. Inquiries should be directed to the Ministry of Housing, Queen's Park, Toronto, or otherwise where noted.

#### **(a) Business Improvement Area (BIA)**

Businesses within a Heritage Conservation District might become involved in a programme to enhance and protect the environment of their district. Under the terms of The Municipal Act, Section 361, it is now possible to designate a Business Improvement Area. (BIA) The initiative for the establishment of a BIA rests with the district businessmen and/or Business Association. A voluntary tax is levied upon businesses within the improvement area. The funds that are gathered through the levy may be

used for the beautification, improvement, or maintenance of municipally owned lands or buildings and the promotion of the area as a business district.

Businessmen or Business Associations may obtain further information and assistance in initiating the BIA Programme by contacting the Small Business Division, Ministry of Industry and Tourism or the Ministry of Housing, Community Renewal Branch at Queen's Park, Toronto.

#### **(b) Downtown Revitalization**

The Downtown Revitalization Programme has been introduced to help municipalities in their efforts to renew downtown core areas. The programme makes financial assistance available to small and medium sized municipalities. The provincial government will help finance those projects, such as the revitalization of anchor buildings, that will encourage further downtown improvements within both the public and private sectors.

#### **(c) Neighbourhood Improvement Programme (NIP) and Residential Rehabilitation Assistance Programme (RRAP)**

The Neighbourhood Improvement Programme (NIP) was developed to encourage the efforts of municipalities to improve the physical environment of older deteriorating neighbourhoods. The objective of the programme is to stabilize low to moderate income residential areas in terms of densities and land use. The Neighbourhood Improvement Programme provides funds for social amenities, municipal services and public utilities. The programme is implemented by means of a redevelopment plan under Section 22(5) of The Planning Act.

The federally sponsored Residential Rehabilitation Assistance Programme (RRAP) complements the Neighbourhood Improvement Programme. It provides loans and grants for the rehabilitation of substandard or deteriorating housing in Neighbourhood Improvement Programme and special Residential Rehabilitation Assistance Programme areas.

To be eligible for funding under the Neighbourhood Improvement Programme the municipality must have a Standards of Maintenance and Occupancy By-law in effect.

#### **(d) Ontario Home Renewal Programme (OHRP)**

The provincial government provides funds for grants and loans to owner-occupants for the repair and improvement of their homes through the Ontario Home Renewal Programme. The programme applies to areas that would not normally qualify for the Residential Rehabilitation Assistance and Neighbourhood Improvement Programmes. Local standards of maintenance and occupancy are a pre-requisite to the implementation of the Ontario Home Renewal Programme.





*Sketch of Bayfield, Ontario by Silvia Clarke of London, Ontario*











